

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of May 22, 2014

Members Present

Greg Sirb  
Jeff Staub  
Sara Jane Cate  
David Dowling  
Alan Hansen

Also in Attendance

James Turner  
Dianne Moran

**Docket 1352 - A**

Applicant: Shogun Asian Fusion Hibachi & Sushi

Address: 5125 Jonestown Road, Suite 4B  
Harrisburg, PA 17112

Property: 5125 Jonestown Road, Suite 4B  
Harrisburg, PA 17112

Section 7 Planned Center Signs

The maximum number of wall signs in a multi-tenant building is one.

Grounds: Article 7. Planned Center Signs.

The hearing began at 8:26 p.m.

Mr. Sirb noted that he was adding one agenda item, at the request of Mr. Turner, Ricky Chen, for the Shogun Asian Fusion Hibachi and Sushi Restaurant.

Mr. Turner explained that Ricky Chen, the owner of Shogun Fusion, located at 5125 Jonestown Road, Suite 4 B, Harrisburg, Pennsylvania, 17112 was granted a variance under Docket 1352.

Mr. Turner noted that the variance was approved with the idea that the sign would have the name of the restaurant and that would be it. Mr. Turner noted that Mr. Chen has realized that the sign would be more effective if it said Hibachi Steakhouse underneath the name of Shogun.

Mr. Staub questioned if this is located in Paxton Towne Centre. Mr. Turner answered yes.

Mr. Turner noted that the total area of the new sign would be the same as what was previously approved by the Zoning Hearing Board. Mr. Chen noted that he will shrink the logo and Shogun name to add Hibachi Steakhouse underneath it. He noted that the size is very much the same.

Mr. Turner questioned Mr. Chen why he wanted to add the Hibachi Steakhouse wording. Mr. Chen answered that he only has Shogun on the sign and people don't know what it is. He noted if he can add Hibachi Steakhouse underneath then they will know it is his restaurant.

Mr. Turner noted if the Board is inclined to approve this change, he would ask that they amend the previously granted variance so Mr. Chen does not have to go through the entire process and pay a new application fee.

Mr. Sirb noted that the Board would be amending the variance to state that the sign could include the Shogun Fusion name and in addition it would add Hibachi Steakhouse. He noted that the sign size would remain the same.

Mr. Staub questioned Mr. Turner if he would prepare a new decision. Mr. Turner answered that he would amend the part that refers to the wording on the sign.

Mr. Sirb noted that the Board would have to make a motion to amend the original decision to allow Mr. Chen to add the words "Hibachi Steakhouse" to the sign as long as the size of the sign remains the same.

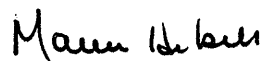
Mr. Hansen made the motion to amend the original decision to allow Mr. Chen to add the words "Hibachi Steakhouse" to the sign as long as the size of the sign remains the same. Mr. Staub seconded the motion.

Mr. Sirb requested Mr. Turner to conduct a roll call vote: Mr. Hansen, aye; Mr. Staub, aye; Mr. Dowling, aye; Mrs. Cate, aye; and Mr. Sirb, aye. Mr. Sirb noted that the application has been approved for the rear wall sign.

Mr. Turner noted that he would add the drawing presented by Mr. Chen as an exhibit to the hearing.

The hearing ended at 8:30 p.m.

Respectfully submitted,



Maureen Heberle  
Recording Secretary

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of May 22, 2014

Members Present

Greg Sirb  
David Dowling  
Sara Jane Cate  
Alan Hansen

Also in Attendance

James Turner  
Dianne Moran

**Docket 1357**

Applicant: Classic Communities Corporation

Address: 2151 Linglestown Road, Suite 300  
Harrisburg, PA 17110

Property Owner: Classis Communities Corporation

Property Address: Lot 103 Quail Hollow  
Laura Lane  
Harrisburg, PA 17110

Section 307.A Dimensional Requirements in the R-1 Residential District. The front yard setback shall be twenty-five feet and the side yard setback shall be ten feet minimum on one side with a combined total of twenty-five feet for the two yards. The maximum lot width measured at the minimum building setback line shall be ninety feet.

The Applicant proposes construction that is not able to meet the required setbacks or the minimum lot width requirement at the building setback line.

The applicant previously was granted this variance and it has expired.

Grounds: Section 307.A D

Fees Paid: May 1, 2014

Property Posted: May 12, 2014

Advertisement: Appeared in The Paxton Herald on May 7, 2014 and May 14, 2014.

The hearing began at 8:20 p.m.

Mr. Sirb swore in James Halbert, 2151 Linglestown Road, Suite 300, Harrisburg, Pennsylvania who explained that he is the CEO for Classic Communities. He also swore in Stuart Knickerbocker, same address, who is the Vice President of Classic Communities Corporation.

Mr. Jeff Staub requested to be recused from the hearing as he has a business relationship with the property owner. Mr. Sirb recused Mr. Staub from the hearing.

Mr. Sirb questioned if the appropriate fees were paid for this application and was the property posted. Ms. Moran advised that the appropriate fees were paid on May 1, 2014, and the hearing was advertised in The Paxton Herald on May 7, 2014 and May 14, 2014. He noted that the hearing notices were posted on May 12, 2014.

Mr. Sirb questioned Ms. Moran for what ordinance will be discussed for Docket 1357. Ms. Moran answered Section 307.A Dimensional Requirements in the R-1 Residential District. She noted that the front yard setback shall be twenty-five feet and the side yard setback shall be ten feet minimum on one side with a combined total of twenty-five feet for the two yards. The maximum lot width measured at the minimum building setback line shall be ninety feet.

Ms. Moran noted that the Applicant proposes construction that is not able to meet the required setbacks or the minimum lot width requirement at the building setback line. The applicant previously was granted this variance and it has expired.

Mr. Sirb noted that the variance was granted on February 23, 2012 but by the time the applicant was ready to start the process, the variance expired.

Mr. Sirb questioned if anything has changed at all for Docket #1357. Mr. Knickerbocker noted that the actual side yard setbacks got better as the original home plan was wider than the current one, so the side yard are thirty feet aggregate with the new plan.

Mr. Sirb questioned what the variance is for now. Mr. Knickerbocker answered that it is just for the front yard and it remains the same.

Mr. Sirb questioned if there are any other changes at all to the plan. Mr. Knickerbocker answered that it is a different home style. He noted that he is asking for the same setback to match the rest of the community.

Mr. Sirb questioned if the Board members had any questions.

Mr. Sirb questioned if anyone in the audience wished to be heard in regards to the application. No response was heard.

Mr. Sirb questioned Ms. Moran if the only thing that has changed is the side yard setback that was required. Ms. Moran noted that is correct as everything else is the same.

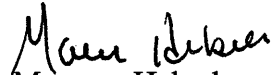
Mr. Dowling questioned where Mr. Knickerbocker was in the construction process. Mr. Knickerbocker answered that he has not started construction yet, but the buyers are in the audience. Mr. Dowling questioned if you would need another extension. Mr. Knickerbocker answered no. He explained that this was brought to his attention when he applied for the building permit for this home.

Mr. Sirb noted that the Board has 45 days to render a decision with respect to this application and he questioned if any members of the Board wish to take action at this time on Docket 1357.

Mr. Dowling made a motion to approve the variance for Docket #1357. Mrs. Cate seconded the motion. Mr. Turner conducted a roll call vote: Mr. Hansen, aye; Mr. Dowling, aye; Mrs. Cate, aye; and Mr. Sirb, aye. Mr. Sirb noted the application has been approved.

The hearing ended at 8:25 p.m.

Respectfully submitted,

  
Maureen Heberle  
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON  
APPLICATION OF : TOWNSHIP ZONING HEARING BOARD  
: DAUPHIN COUNTY, PENNSYLVANIA  
:  
CLASSIC COMMUNITIES : DOCKET NO. 1357

### **DECISION GRANTING VARIANCE**

The applicant seeks a variance from minimum front and side yard setback requirements and lot width requirements. A hearing on the application was held on May 22, 2014.

#### **Facts**

1. The applicant and owner of the property in question is Classic Communities Corporation of 2151 Linglestown Road, Harrisburg, Pennsylvania 17110.

2. The property in question is located on the north side of Laura Lane and consists of an irregularly shaped lot with approximately 50 feet of frontage on Laura Lane. Total lot area is 14,683 square feet. The parcel is zoned Residential R-1.

3. The rear portion of the lot abuts a wetlands area with steep slopes. Accordingly, the applicant proposes to build with a 25 feet front yard setback to keep the home forward of the steep slopes and wetlands. Measured at the building setback line, the property has a lot width of approximately 60 feet. The original subdivision plan called for a front yard setback of 45 feet.

4. Notice of the hearing was posted and advertisement made as required by the ordinance.

5. No one other than the applicant's representatives and the prospective purchasers appeared before the Board to testify either in favor of or against the proposed variance.

### **Conclusions**

1. The original subdivision plan for the property required a minimum front yard setback of 45 feet. The proposed construction would violate the plan. Section 307.A of the ordinance requires a minimum lot width measured at the setback line of 90 feet. The proposed construction would violate these sections of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that the property is burdened by a hardship consisting of its irregular shape and steep slopes. These factors severely limit the developable area. Without a modification of the building setback and the lot width requirements, the building envelope would be so small as to be impractical to build upon.

4. Granting the variance will not alter the essential character of the neighborhood nor impair surrounding property values. The lot width variance will not be readily apparent due to the shape of the lot and the setback proposed is comparable to many of the surrounding properties.

### **Decision**

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variances requested should be and are

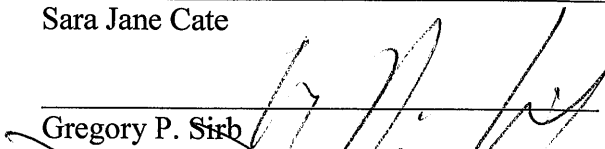
hereby granted. In all respects development of the lot shall be in strict accord with the plans and testimony submitted to the Board.

Date: 6/26/14

LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD



Sara Jane Cate



Gregory P. Sirb



David B. Dowling



Jeffrey W. Staub



Allan Hansen